



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

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ALHAMBRA, CALIFORNIA 91803-1331  
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GAIL FARBER, Director

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

April 30, 2013

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Dear Supervisors:

# ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

50 April 30, 2013

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

**AWARD OF A PUBLIC WORKS CONSTRUCTION CONTRACT  
SLAUSON AVENUE FROM SAN GABRIEL RIVER BRIDGE  
TO PIONEER BOULEVARD  
IN THE UNINCORPORATED COMMUNITY OF LOS NIETOS  
(SUPERVISORIAL DISTRICT 4)  
(3 VOTES)**

### **SUBJECT**

This action is to award a public works construction contract to All American Asphalt for Slauson Avenue from San Gabriel River Bridge to Pioneer Boulevard and authorize the Director of Public Works or her designee to execute a construction contract for work in the unincorporated community of Los Nietos.

### **IT IS RECOMMENDED THAT THE BOARD:**

Award and authorize the Director of Public Works or her designee to execute a construction contract and establish the effective date following receipt of approved Faithful Performance and Labor and Material Bonds and insurance certificate filed by the contractor for Project ID No. RDC0014922 – Slauson Avenue from San Gabriel River Bridge to Pioneer Boulevard, for reconstruction of existing roadway pavement, driveways, and sidewalk and maintenance of existing roadway facilities, in the unincorporated community of Los Nietos, to All American Asphalt, in the amount of \$1,146,000.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to obtain approval of the project from the Board to award this construction contract and authorize the Director of Public Works or her designee to execute the contract and establish the effective contract date following receipt of approved Faithful Performance

and Labor and Material Bonds and insurance certificate filed by the contractor for this project.

On October 30, 2012, Agenda Item 46, the Board approved the project; adopted the plans and specifications; called for bids to be received on November 29, 2012; and instructed the Executive Officer of the Board of Supervisors to advertise the project.

The enclosure includes the project description, the call for bids and bid opening date, a tabulation of bids, and financial information. The certified record of receipt of bids and the original bid proposal are also enclosed for this project.

The recommended award of the construction contract is necessary to execute a Board directed and approved Department of Public Works project in support of operational missions. The Board's approval of the recommended contract award and the subsequent execution of the contract will ensure the timely completion of the project.

### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provisions of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3). Awarding this contract will provide improved infrastructure to better serve the public and enhance the quality of life in the affected community.

### **FISCAL IMPACT/FINANCING**

This action will have no impact to the County General Fund.

The construction cost of \$1,146,000 is included in the Fourth Supervisorial District's Road Construction Program in the Fiscal Year 2012-13 Proposition C Local Return Fund and Road Fund Budgets.

The enclosure includes the amount of the recommended contract as compared with the engineer's estimate, the other bids received, and more detailed fiscal and financial information.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contract agreement will be in the form previously reviewed and approved as to form by County Counsel. The recommended contract was solicited on an open competitive basis and is in accordance with applicable Federal, State, and County requirements. The contractor is in compliance with the Chief Executive Officer's and the Board's requirements.

The award of this contract will not result in unauthorized disclosure of confidential information and will be in full compliance with Federal, State, and County regulations. This contract contains terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County of Los Angeles' Greater Avenues for Independence and General Relief Opportunities for Work Programs (GAIN and GROW), Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; the County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200; the County's Defaulted

Property Tax Reduction Program Ordinance, Los Angeles County Code, Chapter 2.206; Local Business Enterprise Preference Program, Los Angeles County Code, Chapter 2.204; and the standard Board directed clauses that provide for contract termination or renegotiation.

The State Public Contract Code requires the County to award construction contracts to a responsible contractor with the lowest responsive bid, which is defined as the firm that: (1) submits the bid with the lowest cost; (2) is deemed by the County to be responsive to specific criteria under the solicitation including, but not limited to, licensure, bonding, and insurance requirements; and (3) is determined by the County to be a responsible bidder by exhibiting the capability, capacity, experience, trustworthiness, and financial wherewithal to perform the work required under the bid solicitation.

To ensure the contract is awarded to a responsible contractor with a satisfactory history of performance, bidders are required to report violations of the False Claims Act, criminal convictions, civil litigation, defaulted contracts with the County, complaints filed with the Contractor's State License Board, labor law/payroll violations, and debarment actions. As provided for in Board Policy No. 5.140, the information reported by each respective contractor was considered before making this recommendation to award.

The plans and specifications include the contractual provisions, methods, and material requirements necessary for this project and are on file with Public Works.

### **ENVIRONMENTAL DOCUMENTATION**

On October 30, 2012, Agenda Item 46, the Board found this project to be categorically exempt from the provisions of the California Environmental Quality Act.

### **CONTRACTING PROCESS**

The contract was solicited on an open-competitive basis in accordance with the provisions of the State Public Contract Code.

The State Labor Code requires contractors to pay prevailing wage rates to all persons employed on public works construction contracts. These rates are determined by the Department of Industrial Relations and include contributions for fringe benefits such as vacations, pension funds, training, and health plans for each employee.

To further increase contractor awareness of contracting opportunities with Public Works, this project was listed on the County website for upcoming bids. Public Works will review and approve the Faithful Performance and payment bonds filed by the contractor.

### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

This construction contract will result in improved public works infrastructure in the community where the work is scheduled.

### **CONCLUSION**

The Honorable Board of Supervisors

4/30/2013

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Please return one adopted copy of this letter to the Department of Public Works, Construction Division.

Respectfully submitted,

A handwritten signature in black ink that reads "Gail Farber". The script is cursive and fluid, with the first name "Gail" and last name "Farber" clearly legible.

GAIL FARBER

Director

GF:JTS:ma

Enclosures

c: Chief Executive Office (Rita Robinson)  
County Counsel  
Executive Office  
Internal Services Department (Countywide  
Contract Compliance)

AWARD OF CONTRACT  
April 30, 2013

PROJECT ID NO. RDC0014922 – Slauson Avenue from San Gabriel River Bridge to Pioneer Boulevard, (in the unincorporated community of Los Nietos), Supervisorial District 4.

TYPE OF WORK: Reconstruction of existing roadway pavement, driveways, and sidewalk; maintenance of existing roadway facilities; and the performance of other appurtenant work.

CALL FOR BIDS DATE: October 30, 2012 (Agenda Item 46)

BID OPENING DATE: November 29, 2012

BID SUMMARY:

Low	All American Asphalt P.O. Box 2229 Corona, California 92878-2229 (951) 736-7600	\$1,146,000.00
2	Sully-Miller Contracting Company	\$1,167,088.15
3	Excel Paving Company	\$1,233,771.25
4	SHAWNAN	\$1,241,967.00

Yakar, Inc., submitted the apparent lowest bid of \$685,109.48; however, it requested relief of its bid due to a clerical error resulting in a significant underbid. Our review confirmed that a clerical error was made in transferring a price quote from a supplier to the bid form, and Yakar, Inc., should be relieved of its bid as provided in the Instructions to Bidders.

Gentry Brothers, Inc., (GB) submitted a bid in the amount of \$1,525,493.75; however, GB did not acknowledge receipt of Addendum No. 1. Therefore, its bid was considered nonresponsive and rejected as provided in the Instructions to Bidders.

#### FINANCIAL INFORMATION:

Amount of estimate, including the consultant services agreement	\$1,437,814.00
Amount of consultant services agreement	\$ 10,000.00
Amount of recommended contract*	\$1,136,000.00
Amount of recommended contract and consultant services agreement below the estimate	\$ 291,814.00

The amount of the recommended contract and the consultant services agreement is 20 percent below the estimate.

\*On October 30, 2012, Agenda Item 46, the Board authorized the Director or her designee to award and execute a consultant services agreement for \$10,000. The amount of \$1,136,000 represents the amount of the lowest responsive bid with the cost of the consultant services agreement subtracted from it.

The total project cost is estimated to be \$2,080,000. In addition to the construction contract cost, the total project cost includes environmental clearance, preparation of plans and specifications, right-of-way acquisition, survey, materials testing, inspection, contract administration, change order contingency, and other County services.

A portion of this project is in the City of Santa Fe Springs. The City will finance its jurisdictional share of the cost of the project, estimated to be \$29,000, under City Service Request No. 26057.

Financing for the project is included in the Fourth Supervisorial District's Road Construction Program in the Fiscal Year 2012-13 Proposition C Local Return Fund and Road Fund Budgets.

#### ENVIRONMENTAL IMPACT:

On October 30, 2012, Agenda Item 46, the Board found this project categorically exempt from the provisions of California Environmental Quality Act.

#### CONSTRUCTION SCHEDULE:

The contract specifications require the work to be completed in 90 working days. It is estimated the work will start in June 2013 and be completed in November 2013.

#### ADDITIONAL INFORMATION:

All American Asphalt's industrial safety record indicated three fatalities in the preceding five calendar years. One incident occurred in 2010 at the company's asphalt plant in the unincorporated community of Pacoima. An employee was operating equipment in preparation for clearing birds from an elevated area, when he experienced health problems. The employee later died at the hospital emergency room. CalOSHA issued All American Asphalt a notice related to the incident, but no fine was issued. The second incident occurred in 2012 at a jobsite where employees were replacing concrete panels on the 405 freeway in the City of Torrance. Two drunk drivers entered the work zone and fatally wounded two employees. CalOSHA is investigating and has up to six months to complete its investigation.

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